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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,135	10/01/2003	David G. Hosie	WEAT/0259.P1	3899

7590 04/12/2006

William B. Patterson
MOSER, PATTERSON & SHERIDAN, L.L.P.
Suite 1500
3040 Post Oak Blvd.
Houston, TX 77056

EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,135

Applicant(s)

HOSIE ET AL.

Examiner

Kenneth Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,13-17,61-77 and 80-96 is/are pending in the application.
- 4a) Of the above claim(s) 15,16,66,67,74,75,83 and 84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,13,14,17,61-65,68-73,76,77,80-82 and 85-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/04:9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claims 61-65, 68, 69 and 88-94 is withdrawn in view of the newly discovered references to Berger et al., U.S. 6,157,893 and Tubel, U.S. 6,268,911.

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 61-63, 69, 81 and 86-94 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al., U.S. 6,157,893.

Regarding claims 1-3, 5, 6, 61, 69, 81, 86 and 94, Berger et al. discloses drill string (6) having a control system (100) and controller (102) for a valve (90) obstructing bore (7) inherently allowing passage of a ball or dart in the open position, wherein the controller includes a sensor system (46) including an optical (col. 10, lines 23-36) sensing a parameter (col. 12, lines 1-7).

As to claim 62, Berger et al. discloses adjusting the trajectory of the drill string while forcing it into the wellbore (col. 3, lines 2-9).

As to claims 63 and 90, Berger et al. discloses in column 16, lines 49-56 adjusting the drilling fluid composition.

As to claim 87, Berger discloses in column 4 lines 30-35 use of a flow rate sensor.

Regarding claims 88 and 92, Berger et al. discloses in the operation in columns 13 and 14 measuring characteristics using the MWD formation tester of fluid circulated in the drill string (6) and determining the viscosity.

As to claims 89-91 and 93, Berger et al. discloses the fluid is controllably collected without interrupting the drilling process (col. 14, lines 3-10; lines 31-36).

Claims 1, 4, 13, 14, 17, 61, 64, 65, 68, 70-73, 76, 77, 80-82, 85, 95 and 96 are rejected under 35 U.S.C. 102(b) as being anticipated by Tubel, U.S. 6,268,911.

Regarding claims 1, 4, 13, 14, 17, 61, 64, 65, 68, 71-73, 76, 81, 82, 85, 95 and 96, Tubel discloses a casing (606) and drill pipe (608) having a valve (614; col. 16, lines 53-58) obstructing flow through the casing pipe inherently allowing passage of a ball or dart in the open position and an optical sensor (620) capable of sensing a tool vibrations (col. 19, lines 4-8) and acoustic waves caused by seismic activity (col. 8, lines 59).

Regarding claim 70, Tubel et al. discloses a control line (622) passing through the entire length of the casing (606) and valve (614), returning to surface and housed with a conduit (610)

As to claim 77, Tubel et al. discloses a plurality of sensors (620).

As to claim 80, Tubel et al. discloses flow rate sensors (col. 3, lines 44-50).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

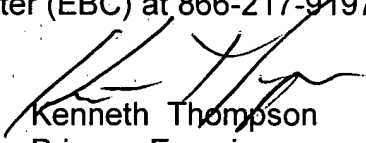
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11 April 2006



Kenneth Thompson
Primary Examiner
Art Unit 3672